Remarks

The Office Action mailed January 11, 2005, and made final, has been carefully reviewed and the following remarks have been made in consequence thereof.

Claims 1-9, 11, and 13-26 are pending in this application. Claims 1-9, 11, and 13-26 stand rejected.

In accordance with 37 C.F.R. 1.136(a), a two month extension of time is submitted herewith to extend the due date of the response to the Office Action dated January 11, 2005 and made final, for the above-identified patent application from April 11, 2005, through and including June 11, 2005. In accordance with 37 C.F.R. 1.17(a)(3), authorization to charge a deposit account in the amount of $450.00 to cover this extension of time request also is submitted herewith.

The rejection of Claims 1-9, 11, 13-21, and 24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0072951 (Lee) in view of U.S. Patent No. 6,430,539 (Lazarus) in further view of U.S. Patent No. 6, 240,411 (Thearling) is respectfully traversed.

Applicants respectfully submit that none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest the claimed invention. For example, at least one difference between Lee, Lazarus, and Thearling and the claimed invention is that none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest using a targeting engine to determine a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline. Because none of Lee, Lazarus, or Thearling teaches or suggests one or more of the claimed elements, it follows that a combination of Lee, Lazarus, and Thearling cannot teach or suggest such elements.

Specifically, Lee describes a method of a program product for collecting, analyzing, and presenting data by extracting input data from an input database. The input data is then transformed into a suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data.

Lazarus describes a method of predicting financial behavior of consumers. The method includes the creation of data-driven grouping of merchants, based essentially on the actual spending patterns of a group of consumers. Spending data of each consumer is obtained, which describes the spending patterns of the consumers in a time-related fashion. From the spending data, merchants are grouped into merchant segments. Each consumer is also given a profile that includes various demographic data, and summary data on spending habits. Given the merchant segments, the present invention then creates a predictive model of future spending in each merchant segment, based on transaction statistics of historical spending in the merchant segment by those consumers who have purchased from merchants in the segments, in other segments, and data on overall purchases. To predict financial behavior, the consumer profile of a consumer is entered into the predictive models for the different merchant clusters. The result is a prediction of the amount of money that the consumer is likely to spend in each merchant cluster in a future time interval, for which no actual spending data may yet be available.

Thearling describes a method and apparatus for classifying a plurality of records in a database (10) that includes providing a first model (16) for ascertaining a first characteristic of each of the records, forming a query that includes a reference to first model (16), using the reference to execute first model (16) to generate a score for the first characteristic of at least one of the plurality of records, and selecting a selected set of the records wherein each record of the selected set satisfies the selection criteria. Thearling also describes a dynamic evaluation of a database where multiple models may be included within a query (col. 13, lines 21-23). In one embodiment, a campaign manager could automatically select the order of the models for evaluation, for example, the order could be selected based on the computation time of scoring a particular model (col. 13, lines 37-43).

Claim 1 recites a method of analyzing the success of a marketing campaign by using a targeting engine, campaign results and an original campaign database, the method includes "embedding within the targeting engine a plurality of analytic models including marketing and risk models...using the targeting engine to determine a sequential order for combining the models...combining the models embedded within the targeting engine in the determined sequential order to define an initial customer group including a list of customers satisfying each of the combined models...the list includes a high profit end, a moderate profit section, and a low profit end...the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline...."

None of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes using a targeting engine to determine a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline.

Regarding Lee, the Office Action acknowledges at page 3 that Lee does not disclose "using the targeting engine to determine a sequential order for combining models and combining the models embedded within the targeting engine to define an initial customer group including a list of customers satisfying each of the combined models...the list includes a high profit end, a moderate profit section, and a low profit end, the high profit end including customers having a highest projected profitability, the low profit end including customers having a lowest projected profitability, and the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline...."

Regarding Lazarus, the Office Action appears to assert at pages 4 and 9 that Lazarus discloses using the targeting engine to determine a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline. The Office Action bases this assertion on Lazarus' disclosure of: "creating a plurality of predictive models based upon each merchant segment"; "each predictive model predicting spending in a merchant cluster over a predicted time interval, based on historic spending"; and "the predictive models are specific to merchant clusters over a specific segment of the market that appears in the underlying spending data....". The Office Action concludes that "Lazarus et al discloses combining predictive models in order to determine merchant segments, wherein the models are in a sequential order based upon time interval."

However, Applicants respectfully disagree with the Examiner's conclusion. For example, Lazarus does not describe or suggest combining models, much less combining models to define an initial customer group that includes a list of customers satisfying each of the combined models, as recited in Claim 1. Rather, Lazarus describes using a different predictive model for each of a plurality of merchant segments to predict the financial behavior of consumers within each particular merchant segment. Accordingly, Lazarus does not describe or suggest combining models, but rather creates a different model for each merchant segment. Additionally, although the Office Action concludes that "Lazarus et al discloses combining predictive models in order to determine merchant segments", Applicants respectfully disagree. In contrast to the Examiner's conclusion, Lazarus describes at col. 3, lines 1-7, that the merchant segments are created using "historical, and time-sensitive, spending patterns of individual consumers." Moreover, although Lazarus describes that the predictive models may predict spending in a merchant segment for a predicted time interval, Lazarus does not describe or suggest combining models that predict different time intervals within the same merchant segment, as Applicants believe is suggested by the Examiner. Rather, Lazarus describes at col. 4, lines 15-20, that "each predictive model predicts spending in a merchant cluster in a predicted

time interval, such as 3 months, *based on historical spending in the cluster in a prior time interval,* such as the previous 6 months." In other words, the predictive models described in Lazarus are based on historical spending data, rather than other models that predict earlier time intervals for the same merchant segment. Accordingly, Lazarus does not describe, suggest or even mention combining models as claimed within the present invention.

Additionally, Lazarus does not describe or suggest a method of analyzing the success of a marketing campaign that includes using a targeting engine to determine a sequential order for combining models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline, as recited in Claim 1.

Although the Office Action asserts at page 5 that Thearling discloses "the campaign manager automatically selecting the order of the models for analysis (see figure 11 and column 13, lines 38-41)", Thearling does not describe or suggest determining a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline. In fact, Thearling does not even mention "a list of customers satisfying each of the combined models" nor does it mention "the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline". Rather, Thearling describes evaluating (i.e., computing) each model within a query in either a random order or an order selected by a user.

Additionally, Thearling does not describe or suggest a method of analyzing the success of a marketing campaign that includes using a targeting engine to determine a sequential order for combining models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline, as recited in Claim 1.

Accordingly, Applicants respectfully submit that none of Lee, Lazarus, or Thearling, considered alone or in combination, describe or suggest each of the elements recited in Claim 1. Because none of Lee, Lazarus, or Thearling teaches or suggests one or more of the claimed

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elements, it follows that a combination of Lee, Lazarus, and Thearling cannot teach or suggest such elements. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Lee in view of Lazarus and further in view of Thearling.

Claims 2-9 and 21 depend, directly or indirectly, from independent Claim 1. When the recitations of Claims 2-9 and 21 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-9 and 21 likewise are patentable over Lee in view of Lazarus and further in view of Thearling.

Claim 11 recites a system for analyzing success of a marketing campaign that includes a customer database having campaign results and an original campaign database, a graphical user interface for presentation of campaign analysis data, and a plurality of analytic models including marketing and risk models embedded within a targeting engine, wherein the system is configured to "determine a sequential order for combining the models...combine the models in the determined sequential order to define an initial customer group, the initial customer group includes a list of customers satisfying each of the combined models...the list includes a high profit end, a moderate profit section, and a low profit end...the moderate profit section including a profitability baseline, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline...."

Claim 11 recites a system configured to perform steps essentially similar to those recited in Claim 1. Thus, it is submitted that Claim 11 is patentable over Lee in view of Lazarus and further in view of Thearling for the same reasons that correspond to those given with respect to Claim 1.

Claims 13-20 and 24 depend, directly or indirectly, from independent Claim 11. When the recitations of Claims 13-20 and 24 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 13-20 and 24 likewise are patentable over Lee in view of Lazarus and further in view of Thearling.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 1-9, 11, 13-21, and 24 be withdrawn.

The rejection of Claims 22, 23, 25, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Thearling is respectfully traversed.

Lee and Thearling are both described above.

Claims 22 and 23 depend from independent Claim 1, which is recited above.

As discussed above, neither Lee nor Thearling, considered alone or in combination, describe or suggest a method of analyzing the success of a marketing campaign that includes using a targeting engine to determine a sequential order for combining models, and combining the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between a high profit end and a profitability baseline, as recited in Claim 1.

Rather, Lee describes a method for collecting, analyzing, and presenting data by extracting input data from an input database such that the input data is then transformed into a suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data; and Thearling describes a method and apparatus for classifying a plurality of records in a database that includes forming a query that includes a reference to a first model, and using the reference to execute the first model to generate a score for the first characteristic of at least one of the plurality of records in a database.

Because neither Lee nor Thearling teaches or suggests one or more of the claimed elements, it follows that a combination of Lee and Thearling cannot teach or suggest such elements. Accordingly, Applicants respectfully submit that Claim 1 is patentable over Lee in view of Thearling.

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When the recitations of Claims 22 and 23 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 22 and 23 likewise are patentable over Lee in view of Thearling.

Claims 25 and 26 depend from independent Claim 11, which is recited above.

As discussed above, neither Lee nor Thearling, considered alone or in combination, describe or suggest a system for analyzing success of a marketing campaign that is configured to determine a sequential order for combining models, and combine the models in the determined sequential order to define an initial customer group that includes a list of customers satisfying each of the combined models, wherein the determined sequential order maximizes a number of customers included between the high profit end and the profitability baseline, as recited in Claim 11.

Rather, Lee describes a method for collecting, analyzing, and presenting data by extracting input data from an input database such that the input data is then transformed into a suitable schema for subsequent analysis, followed by subsequent analysis of the extracted and transformed data, and presentation of the analyzed, transformed, extracted data; and Thearling describes a method and apparatus for classifying a plurality of records in a database that includes forming a query that includes a reference to a first model, and using the reference to execute the first model to generate a score for the first characteristic of at least one of the plurality of records in a database.

Because neither Lee nor Thearling teaches or suggests one or more of the claimed elements, it follows that a combination of Lee and Thearling cannot teach or suggest such elements. Accordingly, Applicants respectfully submit that Claim 11 is patentable over Lee in view of Thearling.

When the recitations of Claims 25 and 26 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 25 and 26 likewise are patentable over Lee in view of Thearling and further in view of Lazarus.

For at least the reasons set forth above, Applicants respectfully request that the
35 U.S.C. § 103(a) rejection of Claims 22, 23, 25, and 26 be withdrawn.

Notwithstanding the above, the rejection of Claims 1-9, 11, 13-21, and 24 under
35 U.S.C. § 103(a) as being unpatentable over Lee in view of Lazarus and further in view of
Thearling; and the rejection of Claims 22, 23, 25, and 26 under 35 U.S.C. § 103(a) as being
unpatentable over Lee in view of Thearling are further traversed on the grounds that these
Section 103 rejections of the presently pending claims are not proper rejections.

Obviousness cannot be established by merely suggesting that it would have been obvious
to one of ordinary skill in the art to modify Lee using the teachings of Lazarus and Thearling.
More specifically, as is well established, obviousness cannot be established by combining the
teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or
incentive supporting the combination. None of Lee, Lazarus, or Thearling describe or suggest
the claimed combination. Furthermore, in contrast to the assertion within the Office Action,
Applicants respectfully submit that it would not be obvious to one skilled in the art to combine
Lee with Lazarus or Thearling because there is no motivation to combine the references
suggested in the art. Rather, the Examiner has not pointed to any prior art that teaches or
suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by
combining references having different individual elements of pending claims. Ex parte
Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there
must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such
references, and a reasonable expectation of success must be both found in the prior art, and not
based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the
present case, neither a suggestion or motivation to combine the prior art disclosures, nor any
reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or
"template" to piece together the teachings of the cited art so that the claimed invention is
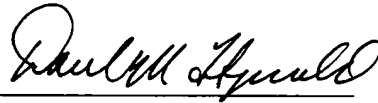
rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claims 1-9, 11, 13-21, and 24, and the rejection of Claims 22, 23, 25, and 26 be withdrawn.

Applicants respectfully submit that for at least the reasons stated above the present patent application is patentable over the cited art. However, Applicants further submit that additional reasons for allowance were also provided in Applicants' Amendment mailed October 28, 2004. In an effort to keep this response relatively short and focus the Examiner in on the issues set forth herein, we have not included all of the reasons for allowance herein, but rather, have only included the reasons set forth herein which clearly show the differences between the presently claimed invention and the cited art. Accordingly, Applicants also hereby incorporate by reference the additional reasons for allowance and arguments previously submitted by Applicants in Applicants' October 28th Amendment.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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